

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DAVID LEE,

Plaintiff,

-against-

UR JADDOU, DIRECTOR, U.S. Citizenship
and Immigration Services,

Defendant.

ANALISA TORRES, District Judge:

Before the Court is the Report and Recommendation (the “R&R”), ECF No. 13, from the Honorable Barbara C. Moses, recommending that the Court dismiss Plaintiff’s claims without prejudice. R&R at 3.

On May 29, 2023, Plaintiff *pro se* filed this action, seeking judicial review of the denial of his naturalization application and related relief. ECF No. 1. On June 29, 2023, the Court directed the Clerk of Court to issue a summons and directed Plaintiff to serve the summons and complaint upon Defendant within 90 days after its issuance. ECF No. 4. The Clerk issued a summons that same day, making Plaintiff’s deadline to serve the summons and complaint September 27, 2023. ECF No. 4.

On November 14, 2023, the Court referred the matter to Judge Moses for general pretrial management. ECF No. 8. Having received no proof of service, on November 22, 2023 and January 24, 2024, Judge Moses extended Plaintiff’s deadline to file a certificate of service. ECF Nos. 9, 11. Plaintiff failed to comply with these deadlines. Therefore, on February 15, 2024, Judge Moses ordered Plaintiff to show cause why this action should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). ECF No. 12. Plaintiff did not respond to the order to show cause or file proof of service. R&R at 2.

After careful consideration, Judge Moses issued the R&R, detailing why the case should be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). *See id.* at 1–3. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *Id.* at 4; *see Fed. R. Civ. P. 72(b)(2)*. When no objection is made, the Court reviews the R&R for clear error. *See Whitley v. Bowden*, No. 17 Civ. 3564, 2019 WL 1953941, at *1 (S.D.N.Y. May 1, 2019) (collecting cases). The Court finds no clear error.

Accordingly, the Court ADOPTS Judge Moses’s R&R in its entirety. Plaintiff’s claims are DISMISSED without prejudice. The Clerk of Court is directed to enter judgment consistent with this order and the R&R.

SO ORDERED.

Dated: April 26, 2024
New York, New York

USDC SDNY
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23 Civ. 4478 (AT) (BCM)

ORDER


ANALISA TORRES
United States District Judge